

RECORDED VOTE

Mr. ROGERS of Michigan. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 331, noes 90, not voting 12, as follows:

[Roll No. 547]

AYES—331

Aderholt	DeLay	King (NY)
Akin	Dent	Kingston
Alexander	Dicks	Kirk
Allen	Doggett	Kline
Andrews	Doolittle	Knollenberg
Baca	Drake	Kolbe
Bachus	Dreier	Kuhl (NY)
Baird	Duncan	LaHood
Baker	Edwards	Langevin
Baldwin	Ehlers	Lantos
Barrett (SC)	Emerson	Larsen (WA)
Barrow	Engel	Larson (CT)
Bartlett (MD)	English (PA)	Latham
Barton (TX)	Eshoo	LaTourette
Bass	Etheridge	Levin
Bean	Evans	Lewis (CA)
Beauprez	Everett	Lewis (KY)
Becerra	Farr	Linder
Berkley	Feeney	Lipinski
Berman	Ferguson	LoBiondo
Berry	Filner	Lowey
Biggart	Fitzpatrick (PA)	Lucas
Bilirakis	Forbes	Lungren, Daniel
Bishop (NY)	Ford	E.
Bishop (UT)	Fortenberry	Lynch
Blumenauer	Fossella	Manzullo
Blunt	Fox	Marchant
Boehrlert	Franks (AZ)	Marshall
Boehner	Frelinghuysen	Matheson
Bonilla	Galleghy	Matsui
Bonner	Gerlach	McCarthy
Bono	Gibbons	McCaul (TX)
Boozman	Gilchrest	McCotter
Boren	Gillmor	McCrery
Boucher	Gingrey	McHenry
Boustany	Gohmert	McHugh
Boyd	Gonzalez	McIntyre
Bradley (NH)	Goode	McKeon
Brady (TX)	Goodlatte	McMorris
Brown (OH)	Gordon	Meehan
Brown (SC)	Granger	Melancon
Brown, Corrine	Graves	Menendez
Burgess	Green (WI)	Mica
Burton (IN)	Gutknecht	Michaud
Butterfield	Hall	Miller (FL)
Buyer	Harman	Miller (MI)
Calvert	Harris	Miller, Gary
Camp	Hart	Miller, George
Cannon	Hastings (WA)	Mollohan
Cantor	Hayes	Moore (KS)
Capito	Hayworth	Moore (WI)
Capps	Hefley	Moran (KS)
Cardin	Hensarling	Moran (VA)
Cardoza	Herger	Murphy
Carnahan	Herse	Murtha
Carter	Higgins	Myrick
Case	Hinojosa	Napolitano
Castle	Hobson	Neal (MA)
Chabot	Hoekstra	Neugebauer
Chandler	Holden	Ney
Coble	Holt	Northup
Cole (OK)	Hooley	Norwood
Conaway	Hostettler	Nunes
Costa	Hoyer	Nussle
Costello	Hulshof	Obey
Cramer	Hunter	Ortiz
Crenshaw	Hyde	Osborne
Cubin	Inglis (SC)	Oxley
Cuellar	Issa	Pallone
Culberson	Istook	Pascarell
Cummings	Jackson (IL)	Pearce
Cunningham	Jefferson	Pence
Davis (AL)	Jenkins	Peterson (MN)
Davis (CA)	Jindal	Peterson (PA)
Davis (FL)	Johnson (CT)	Petri
Davis (IL)	Johnson (IL)	Pickering
Davis (KY)	Johnson, Sam	Pitts
Davis (TN)	Jones (NC)	Poe
Davis, Jo Ann	Keller	Pombo
Davis, Tom	Kelly	Pomeroy
Deal (GA)	Kennedy (MN)	Porter
DeFazio	Kildee	Price (GA)
Delahunt	Kind	Pryce (OH)
DeLauro	King (IA)	Putnam

Radanovich	Sessions
Rahall	Shays
Regula	Sherman
Rehberg	Sherwood
Reichert	Shimkus
Renzi	Shuster
Reynolds	Simmons
Rogers (AL)	Skelton
Rogers (KY)	Slaughter
Rogers (MI)	Smith (NJ)
Rohrabacher	Smith (TX)
Ros-Lehtinen	Smith (WA)
Ross	Snyder
Rothman	Sodrel
Ruppersberger	Souder
Rush	Spratt
Ryan (OH)	Stearns
Ryan (WI)	Strickland
Ryun (KS)	Stupak
Salazar	Sullivan
Sanchez, Loretta	Sweeney
Saxton	Tanner
Schiff	Tauscher
Schmidt	Taylor (MS)
Schwartz (PA)	Taylor (NC)
Schwarz (MI)	Terry
Sensenbrenner	Thomas

NOES—90

Abercrombie	Jones (OH)	Pelosi
Ackerman	Kanjorski	Platts
Blackburn	Kaptur	Price (NC)
Brady (PA)	Kennedy (RI)	Ramstad
Capuano	Kilpatrick (MI)	Rangel
Carson	Kucinich	Royce
Chocola	Leach	Sabo
Clay	Lee	Sánchez, Linda
Cleaver	Lewis (GA)	T.
Clyburn	Lofgren, Zoe	Sanders
Conyers	Mack	Schakowsky
Cooper	Maloney	Scott (GA)
Crowley	Markey	Scott (VA)
DeGette	McCollum (MN)	Serrano
Dingell	McDermott	Shadegg
Doyle	McGovern	Simpson
Fattah	McKinney	Solis
Flake	McNulty	Stark
Frank (MA)	Meek (FL)	Tancredo
Garrett (NJ)	Meeks (NY)	Towns
Green, Al	Millender	Velázquez
Green, Gene	McDonald	Visclosky
Grijalva	Miller (NC)	Wasserman
Gutierrez	Musgrave	Schultz
Hastings (FL)	Nadler	Waters
Hinche	Oberstar	Watson
Honda	Oliver	Watt
Inslee	Otter	Waxman
Israel	Owens	Weiner
Jackson-Lee	Pastor	Woolsey
(TX)	Paul	
Johnson, E. B.	Payne	

NOT VOTING—12

Bishop (GA)	Diaz-Balart, M.	Shaw
Boswell	Emanuel	Wexler
Brown-Waite	Foley	Whitfield
Ginny	Reyes	
Diaz-Balart, L.	Roybal-Allard	

□ 1736

Mr. MEEHAN changed his vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 1461, FEDERAL HOUSING FINANCE REFORM ACT OF 2005

Mr. BAKER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1461, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

HURRICANE KATRINA FINANCIAL SERVICES RELIEF ACT OF 2005

Mr. BAKER. Mr. Speaker, I ask unanimous consent that the text of H.R. 3945, as proposed to be adopted under suspension of the rules, be modified by the amendment that I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the modifications.

The Clerk read as follows:

Page 3, line 14, after “Louisiana” insert “Florida.”

Page 3, line 17, strike “August 28, 2005” and insert “August 25, 2005.”

Page 5, line 22, strike “August 28, 2005” and insert “August 25, 2005.”

Page 7, line 13, strike “August 28, 2005” and insert “August 25, 2005.”

The SPEAKER pro tempore. Without objection, the modifications are agreed to.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions, and on H.R. 3945, will be taken tomorrow.

AMENDING FEDERAL FOOD, DRUG, AND COSMETIC ACT TO PROVIDE FOR REGULATION OF ALL CONTACT LENSES AS MEDICAL DEVICES

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 172) to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REGULATION OF CERTAIN ARTICLES AS MEDICAL DEVICES.

Section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j) is amended by adding at the end the following subsection:

“Regulation of Contact Lens as Device

“(n)(1) All contact lenses shall be deemed to be devices under section 201(h).

“(2) Paragraph (1) shall not be construed as bearing on or being relevant to the question of whether any product other than a contact lens is a device as defined by section 201(h) or a drug as defined by section 201(g).”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman

from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. DEAL).

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 172.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to rise in favor of S. 172, and I would like to thank the gentleman from Arkansas (Mr. BOOZMAN) and the gentleman from California (Mr. WAXMAN) for their work on the House companion bill, which was H.R. 371.

Historically, the contact lens industry in the United States has secured prior approval from or clearance by the Food and Drug Administration prior to the introduction of contact lenses into the United States market. These same contact lens manufacturers also have been subjected to and complied with numerous requirements codified in the Federal Food, Drug, and Cosmetic Act.

A few companies challenged the FDA's ability to regulate non-corrective decorative contact lenses as medical devices to create a loophole in the current law. As a result, these entities distribute their products without the attendant controls that historically have safeguarded contact lens consumers.

The uncontrolled distribution of decorative contact lenses has caused a variety of eye injuries and conditions. At first, what might seem to be a minor irritation, if left untreated, can develop permanent eye damage and loss of vision. S. 172 would close this loophole by restoring the FDA's ability to regulate all contact lenses as medical devices.

Mr. Speaker, I urge Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join my colleagues, particularly the gentleman from Arkansas (Mr. BOOZMAN), in supporting this important bill to apply the highest safety standards and consumer protections to all contact lenses.

This legislation became necessary on April 4, 2003. On this date, the Food and Drug Administration decided to classify certain colored contact lenses as cosmetics, not medical devices. This classification made no sense. Cosmetics are not required to be made according to strict manufacturing standards; cosmetics are not reviewed for safety prior to marketing; and cosmetics are not prescribed by a doctor.

The loose regulatory approach to cosmetics may work for lipstick; but it is

dangerous for contact lenses, which are placed directly on the eyes. If contact lenses are not made properly, they can cause severe infections. If lenses do not fit properly, they can cause disfiguring ulcers, and if lenses are worn by teenagers or others without the ongoing supervision of an eye care professional, severe injuries can result.

Since April 4, 2003, scores of teenagers and young adults have been injured by cosmetic contact lenses. Some have permanently lost vision. Others have required corneal transplants. In one survey in Louisiana, 85 percent of optometrists and 45 percent of ophthalmologists reported diagnosing eye injuries from contact lenses sold without a prescription.

Since April 4, 2003, I have worked with the gentleman from Arkansas (Mr. BOOZMAN), contact lens manufacturers, the American Academy of Ophthalmology, the American Optometric Association, and consumer advocates to ensure that all contact lenses are regulated according to the strict standards and consumer protections applied to medical devices.

In the 108th Congress, our legislation passed the House, but not the Senate. In late July of this year, the legislative approach that we designed passed the Senate. It is this legislation that is again before the House.

By passing this bill, we can ensure the FDA protects consumers from unsafe contact lenses, we can prevent serious eye injuries, even blindness, and we can send a timely message to teenagers and their parents about the dangers of unsupervised use of contact lenses at Halloween.

I would like to express my appreciation to Senators DEWINE and KENNEDY for guiding this legislation through the Senate. I would like to thank those at FDA who supported our legislative solution, and I recognize the efforts of experts such as Thomas Steinemann in Cleveland, who worked hard to raise awareness about the availability and dangers of unsafe lenses.

I especially want to thank and congratulate our colleague, the gentleman from Arkansas (Mr. BOOZMAN), for his persistence and hard work in the House of Representatives. I urge my colleagues to support this bipartisan consensus legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Arkansas (Mr. BOOZMAN), who is the original cosponsor of the House companion bill to this legislation.

□ 1745

Mr. BOOZMAN. Mr. Speaker, last Congress, myself, Mr. WAXMAN in the House, Senator DEWINE, Senator KENNEDY in the Senate, became aware of a very serious problem. The FDA had claimed jurisdiction over all contact lenses, and then in April of 2003 announced that it did not feel like it had

jurisdiction over contact lenses that did not have any power in them anymore. In other words, there were lenses that were sold for the purpose of changing eye color, sold at Halloween to enhance; if you were going to a whatever and wanted to look kind of wild, you could buy these lenses. Up until then, everyone agreed that a contact was a contact, but when they got to looking at their statute, they were very concerned that they did not have any jurisdiction.

As a result, these lenses began being sold at flea markets, began being sold at places where you get your nails done, and when they were sold, no one told them how to put them in and take them out, there was no effort at all to teach anything about hygiene, the disinfecting solutions that you needed to prevent your eyes from becoming infected.

Dr. Steineman at Case Western Reserve about this time started seeing a tremendous incidence in eye infections related to these lenses. Let me just tell my colleagues about a couple of them. Here is an example of a young gal that was 16 years old. Her boyfriend supplied her with these colored contact lenses, did not have any power in them, so they were not regulated. The patient admitted to sharing the colored contact lenses with her younger brother, again doing this because she had no idea of how you take care of this type of situation.

You say, well, it is just a 16-year-old. Here is an example of a 26-year-old that also bought contact lenses at a flea market that made him have cat eyes. This individual developed a very significant, very severe infection, which probably resulted in loss of vision.

Today what we are trying to do by passing this bill is to close the loophole which everybody agrees needs to be done. So the real heroes of this have been the FDA. We have worked very, very hard with them and have gotten language that they have agreed to; Dr. Steineman, in doing the early work in identifying this; and ophthalmology, optometry that have really pressed the issue in the House; the manufacturers of the particular lenses; Senator DEWINE and Senator KENNEDY in the Senate; and then also MIKE ENZI, the chairman of the committee over there that really took this upon himself to get this thing passed. Mr. WAXMAN has done a tremendous job of working with us and just really going through in an effort to get the particular language that would get this done without affecting the jurisdiction of the FDA. So I really appreciate the gentleman from California; also, Chairman BARTON and Chairman DEAL in allowing this to go forward to get this to the floor. These were the guys that really allowed us to get this done. We had a goal of getting this done before Halloween, and I think we are almost there.

The other thing I would like to do, which needs to be done more than we do it, is thank our staffs. They have

put in literally countless hours trying to get this thing worked out.

Again, I would urge all of my colleagues to support this bill. I think it is something that needs to be done, and it is one of those things that as a result of us getting this done today truly will protect our youth, protect people in keeping them from experiencing a devastating eye injury.

I also want to thank the majority leader, Mr. BLUNT, for getting this scheduled, again before Halloween.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague from Arkansas for his very kind words and join him in saluting all of the Members of the House and the Senate and our staffs who have worked on this legislation. I do not want to dwell on why the FDA decided to regulate some lenses as cosmetics rather than medical devices. Congressman DEAL referred to it as a loophole. I consider it a lapse in enforcement. Regardless, this bill is neutral on what went wrong. It just fixes the problem, and that is what we need to do. I would urge all of our colleagues to join us in supporting the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I have no further requests for time, I urge the adoption of this Senate bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GINGREY). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the Senate bill, S. 172.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

REQUESTING THE PRESIDENT TO RETURN TO THE HOUSE OF REPRESENTATIVES THE ENROLLMENT OF H.R. 3765

Mr. KUHL of New York. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 276) requesting the President to return to the House of Representatives the enrollment of H.R. 3765 so that the Clerk of the House may reenroll the bill in accordance with the action of the two Houses, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 276

Resolved by the House of Representatives (the Senate concurring), That the President is requested to return to the House of Representatives the enrollment of H.R. 3765. When the

bill is returned by the President, the actions of the presiding officers of the two Houses in signing the bill shall be rescinded, and the Clerk of the House shall reenroll the bill in accordance with the action of the two Houses.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ROSA PARKS FEDERAL BUILDING

Mr. KUHL of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2967) to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

The Clerk read as follows:

H.R. 2967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, shall be known and designated as the "Rosa Parks Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Rosa Parks Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentleman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. KUHL).

GENERAL LEAVE

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2967.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2967, introduced by Ms. KILPATRICK of Michigan, designates the Federal building located at 33 Mt. Elliott Street, Detroit, Michigan, as the "Rosa Parks Federal Building."

Rosa Parks, who passed away on Monday, is most well known for her simple, yet heroic act of defiance. Fifty years ago she refused to give up her seat on a segregated bus in Montgomery, Alabama. Rosa Parks was arrested, lost her job, and received numerous death threats for her actions. This simple act inspired further acts of civil disobedience and earned her the title of "mother of the civil rights movement."

Rosa Parks' dedication to fight for social and economic justice continued well beyond that monumental day in 1955. As a Secretary for the NAACP,

she helped organize civil rights cases. She worked in the antiapartheid movement, and established the Rosa and Raymond Parks Institute for Self-Development in her adopted hometown of Detroit, Michigan. She spent the remainder of her life fighting against all forms of discrimination.

In 1999, Rosa Parks was named one of the 20 most influential and iconic figures of the 20th century by Time Magazine. She also received numerous awards for her contributions to the civil rights movement, including the Presidential Medal of Freedom and also the Congressional Gold Medal.

While Rosa Parks has already received significant recognition for her life's work, I believe that this is a fitting honor to a woman whose actions helped change our society for the better. I support this legislation, and I encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume. For this side I will be introducing the bill, and after I make an introductory statement, and the next time you go to our side, I want my colleagues to hear from the gentlewoman who is responsible for this bill, Ms. KILPATRICK, who has indicated she wants me to introduce it.

I want to thank her for this bill to designate the Federal Building, which is located at 333 Mt. Elliott Street in Detroit, Michigan, as the Rosa Parks Federal Building, and I want to thank her for really her quite extraordinary diligence in making sure that this bill came to the floor.

I want to say that this bill happens to come to the floor a few days after the death of Rosa Parks, but who is certainly not responsible for the tardiness of this bill reaching the floor is Ms. KILPATRICK. For months she has been talking to me as the ranking member of the subcommittee. For about the same length of time she has been talking with our ranking member Mr. OBERSTAR. I am sure nobody on our committee meant to hold this bill up, but the truth is that we very much desired for this bill to come to the floor before Rosa Parks died. We knew she was elderly. We are very grateful, however, to the majority for allowing this bill to come forward now in advance of the funeral so that Ms. KILPATRICK, who has carried this bill for so long, can go home to say the Congress has approved what I know Members on both sides would very much want to approve.

We all know the story of that December evening in 1955 when a 42-year-old black woman riding a bus in Montgomery, Alabama, refused to give up her seat at the demand of a white male passenger. This simple gesture, it was indeed more than a gesture; it was an act, and an action that our country will never forget, led to the disintegration of institutionalized segregation in much of the South and ushered in a